

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)

vs.)

Troy Anthony Smocks)

) PRESENTENCE INVESTIGATION REPORT

) Docket No.: 1:21CR00198-001

Prepared for: Tanya S. Chutkan
United States District Judge

Prepared by: Aidee V. Gavito
United States Probation Officer
(202) 565-1351

Assistant U.S. Attorney

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Defense Counsel

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Sentence Date: To be determined

Offense: Counts 1 & 2: Threats in Interstate Communications
18 USC § 875(c)
5 years imprisonment/\$250,000 fine

Release Status: The defendant was arrested on January 15, 2021, in the Eastern District of Texas in Docket No. 4:21-mj-000333-KPJ. On January 21, 2021, he was committed to the District of Columbia.

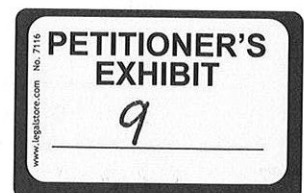
Detainers: None.

Codefendants: None.

Related Cases: None.

Date Prepared: September 7, 2021

Date Revised:



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Identifying Data:

Date of Birth: March 20, 1962
Age: 59
Race: Black or African American
Hispanic Origin: Non-Hispanic origin
Sex: Male

SSN: 492-74-4830
FBI: 569396W11
USM: 05582-041
State ID: Missouri State ID#: MO00528544
 Minnesota State ID#: MN88001979
 Texas State ID#: TX06504112

**PACTS#: 7341571**

Marital Status: Married
Education: High School Diploma
Dependents: 0¹
Citizenship: U.S. Citizen
Country of Birth: United States

Legal Address: District of Columbia Jail, 1901 D Street SE, Washington, D.C.
Residence Address: No Fixed Address
Telephone#: None

Alias(es): (Per NCIC): Troy Smocks; Troy A. Smocks; T.A. Smocks; Kenneth D. Harris; Troy Perez; Vincent Shelton; Tony Sanders; Kenneth Harris; Mark Perez; John D. Perez; Troy A. Perez; Robert Perez

Alternate IDs: Alias SSN: 492-74-7830; 492-47-4830
 Alias DOBs: 09/20/1962; 09/02/1962; 03/02/1962; 01/27/1959
 DCDC No.: 376-973
 Drivers' License: TX04915537
 Missouri Department of Corrections No.: 151232

Restrictions on Use and Redisclosure of Presentence Investigation Report. Disclosure of this presentence investigation report to the Federal Bureau of Prisons and redisclosure by the Bureau of Prisons is authorized by the United States District Court solely to assist administering the offender's prison sentence (i.e., classification, designation, programming, sentence calculation, pre-release planning, escape apprehension, prison disturbance response, sentence commutation, or pardon) and other limited purposes, including deportation proceedings and federal investigations directly related to terrorist activities. If this presentence investigation report is redisclosed by the Federal Bureau of Prisons upon completion of its sentence administration function, the report must be returned to the Federal Bureau of Prisons or destroyed. It is the policy of the federal judiciary and the Department of Justice that further redisclosure of the presentence investigation report is prohibited without the consent of the sentencing judge.

¹ Based on IRS Publication 501 definition for dependent(s) to include qualifying child or relative. All identified children, whether or not a dependent of the defendant, are included in Part C of this report.

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PART A. THE OFFENSE

Charge(s) and Conviction(s)

1. On March 9, 2021, the United States Attorney in Washington, DC, filed a two-count Indictment charging Troy Anthony Smocks with Threats in Interstate Communications, in violation of 18 USC § 875(c) (Counts 1 and 2).
2. The Information does not provide notice to the defendant the Government intends to seek forfeiture as a part of the sentence. Rule 32.2(a) of the Fed. Rules of Crim Proc.
3. The criminal conduct charged in Counts 1 and 2 of the Indictment occurred on January 6 and 7, 2021.
4. On August 2, 2021, Troy Anthony Smocks appeared via video conference before United States District Judge Tanya S. Chutkan for a Status Conference in which the parties discussed the posture of the case. The case was referred to the United States Probation Office for the preparation of a Presentence Investigation.

The Offense Conduct

5. According to the Criminal Complaint, a Detective with the Metropolitan Police Department assigned to the Joint Terrorism Task Force of the Federal Bureau of Investigation received information in which Troy Anthony Smocks, also known as, Kenneth Harris, Tony Sanders, Vincent Shelton, and Troy Perez, did knowingly and willfully transmitted in interstate or foreign commerce any communication containing any threat to injure the person of another.
6. Defendant Smocks is a resident of the State of Texas who has a social media account with Parler, LLC, (hereinafter referred to as Parler). Parler's headquarters are in the State of Nevada and it offers its account holders a platform electronic communication with each other via writing and publishing posts. A review of the Parler account holders revealed a substantial number of "right-wing" extremists and conspiracy theorists, whose publications include far "right-wing" content, anti-Semitic remarks, violent rhetoric, and Q-Anon conspiracies.
7. Officers located the Parler account, which was registered to Troy Anthony Smocks, which has a unique identification number. Records reflect that the unique identification number issued by Parler listed the account subscriber as Smocks. Agents verified the Parler account has the same telephone number and email address as Defendant Smocks. Additionally, the Internet Protocol address (IP address), a unique numerical label that identifies a device on the internet, corresponds to the defendant's residence in Texas. Furthermore, agents compared the photograph on the Parler account to the photograph on file with the Department of Motor Vehicles in Texas, which resulted in a positive match to the defendant. Smocks identified himself in his Parler account as "ColonelTPerez" or "@Colonel007."

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8. Travel records revealed that Defendant Smocks traveled via airplane from Texas to Washington, DC on January 5, 2021, and returned to Texas on January 7, 2021. On January 6, 2021, Defendant Smocks published a statement on his Parler account that was viewed by other Parler social media service at least 60,926 times which read as follows.

Today, January 6, 2021, We Patriots by the millions have arrived in Washington, DC, carrying banners of support for the greatest President the World has ever known. But if we must...Many of us will return on January 19, 2021, carrying our weapons in support of Our nation's resolve, to which the world will never forget. We will come in numbers that no standing army or police agency can match. However, the police are NOT our enemy, unless they choose to be! All who will not stand with the American Patriots...or cannot stand with us, then, that would be a good time for you to take a few vacation days. -The American Patriot

9. On January 7, 2021, Defendant Smocks published a statement to his Parler account that was viewed, copied, and pasted to other electronic communication sites at least 54,000 times, which read follows.

So over the next 24 hours, I would say lets get our personal affairs in order. Prepare our weapons, and then go get'em. Lets hunt these cowards down like the Traitors that each of them are. This includes RINOS, Dems, and Tech Execs. We now have the green light. [All] who resist US are enemies of Our Constitution, and must be treated as such. Today, the cowards ran as We took the Capital. They have it back now, only because We left. It wasn't the building that We wanted...it was them!

10. Officers also reviewed videos posed by Defendant Smocks to the social media platform YouTube in which he uses the alias "Colonel T Perez." In the videos, Defendant Smocks challenges military veterans to conduct armed protests and to taunt protesters who aren't willing to actually fire their weapons.
11. Officers discovered that Defendant Smocks had a flight reservation for the morning of January 15, 2020, to a foreign country.
12. From the information reviewed, it appears Defendant Smocks created a Parler account, created the aforementioned statements, and published them. Thereafter, the electronic communications were viewed at least 60,926 and 54,000 times, respectively. The defendant willingly and knowingly transmitted in interstate or foreign commerce communications which contain a threat to kidnap any person or a threat to injure the person of another.

Victim Impact

13. There are no identifiable victims.

Adjustment for Obstruction of Justice

14. The Probation Office has not received any information to suggest that the defendant willfully impeded or obstructed the administration of justice during the course of the investigation, prosecution or sentencing of the instant offense of conviction.